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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Austria, Bulgaria, Canada, Germany, Hungary, Iceland, Italy, Monaco, Norway, Romania, Slovakia, Spain, Sweden and United States of America: draft resolution

Human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and the Convention on the Rights of the Child,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling the obligation of all parties to respect international humanitarian law,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 44/25, annex.

Also recalling its resolution 51/112 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997,

Noting with deep concern the human rights violations and breaches of international humanitarian law outlined in Commission on Human Rights resolution 1997/59, including the aerial bombardment of civilians, slavery, slave trade, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, forced displacement of persons and systematic torture, and denial of the freedoms of religion, expression, association and peaceful assembly,

Expressing serious concern about continued reports of religious persecution, including forced conversion of Christians and Animists in government-controlled areas of the Sudan,

Welcoming the visit to the Sudan by the Special Rapporteur on the elimination of all forms of religious intolerance,[5]

Especially concerned about the continued reports of the abuse of children, including slavery, sexual abuse, forced conversion and the use of children as soldiers despite repeated calls from the international community to put an end to this practice, as described in the report of the Special Rapporteur on the situation of human rights in the Sudan,[6]

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Gravely concerned about reports that those practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged in previous General Assembly resolutions,

Welcoming new practices regarding street children which centre on rehabilitation and family reunification and the increasing involvement of the United Nations Children's Fund in projects with the Government of the Sudan,

Also welcoming the invitation extended by the Government of Sudan to the Special Rapporteur on Freedom of Opinion and Expression and to the Working Group on Contemporary Forms of Slavery, and urging that the visit to Sudan by the Special Rapporteur on Freedom of Opinion and Expression take place as soon as possible,

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[5] See A/52/477.

[6] A/52/510.

Further welcoming the support extended by the Government of Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights in December 1996,

Noting the establishment by the Government of the Sudan of national committees for human rights education, and encouraging the Office of the United Nations High Commissioner for Human Rights to take into consideration requests for assistance by the Government of Sudan, including assistance to help those committees to improve the observance of human rights in Sudan,

Welcoming the establishment by the Consultative Council for Human Rights of subcommittees on detentions without trial, arrests, torture and lack of due process of law, religious persecution, forced displacement and bombardment, extrajudicial killings, access for relief organizations and humanitarian law, slavery and disappearances, the rights of the child, and freedom of expression and peaceful assembly,

Noting the long overdue report by the Government of Sudan on the summary execution of aid workers in Juba in 1992, and regretting that it did not provide any evidence that a fair trial was given,

Also noting the work of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Concerned that the continuation of civil war in the Sudan has caused the internal displacement of a large number of persons, including ethnic minorities, has resulted in the indiscriminate bombing and shelling of civilian targets, and has been marked by gross violations of human rights by the Government of the Sudan and lack of respect of international humanitarian law by all parties to the conflict,

Encouraged by the joint announcement by the Government of the Sudan and the Sudan Peoples' Liberation Movement that they are engaged in peace talks, scheduled to resume in early 1998 under the sponsorship of the Intergovernmental Authority on Development, and the acceptance by all parties of the Declaration of Principles as the basis for negotiation,

1. Expresses deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions; detentions without due process; violations of the rights of women and children; forced displacement of persons, enforced or involuntary disappearances; torture and other forms of cruel and unusual punishment; slavery, practices similar to slavery and forced labour; denial of the freedoms of expressions, association and peaceful assembly; and discrimination based on religion;

2. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

3. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in

particular the International Covenants on Human Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention on the Rights of the Child,[5] the Slavery Convention, as amended,[6] and the supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,[7] to implement those instruments to which it is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

4. Encourages the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery to redouble its efforts to comply with previous General Assembly resolutions, in which the Assembly urged the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to those practices;

5. Urges the Government of the Sudan to publicize the existence and activities of the Special Committee; to guarantee that those who provide information to it will not suffer any negative consequences as a result; and to involve local authorities in its activities;

6. Urges the Government of the Sudan to provide adequate security for all special rapporteurs, and to live up to its pledge to provide logistical support to national, regional and international organizations to join the investigations of alleged cases of involuntary disappearance and slavery;

7. Urges the Government of the Sudan and all parties to the conflict to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where violations have been reported;

8. Continues to urge the placement of human rights monitors, within existing resources, in such locations as will facilitate improved information flow and assessment and independent verification of reports, with particular attention to violations and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur on the situation of human rights in the Sudan;

9. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[8] and the Additional Protocols thereto, of 1977,[10] to halt the use of weapons against the civilian population and to

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[3] United Nations, Treaty Series, vol. 212, No. 2861.

[4] Ibid., vol. 266, No. 3822.

[8] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[10] Ibid., vol. 1125, Nos. 17512 and 17513.

protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of land-mines by government and rebel forces alike;

10. Again calls upon the Government of the Sudan and all parties to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to civilian populations to deliver humanitarian assistance;

11. Expresses its hope that all parties to the civil war will negotiate seriously at the Intergovernmental Authority on Development's peace talks at Nairobi when they resume in early 1998, in the view that an end to the civil war would be an important first step towards the elimination of human rights violations in the Sudan;

12. Again urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards;

13. Again urges Sudanese authorities to take all steps necessary to respect the human rights of persons belonging to the most vulnerable groups of the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;

14. Calls for an immediate halt to the inhumane and unjustified practice of the aerial bombardment of civilian targets by the Government of the Sudan;

15. Welcomes the promise given by the Government of the Sudan to the United Nations Secretary-General's Special Envoy for Humanitarian Affairs to the Sudan to allow relief flights unimpeded access to people in need, and expresses its hope that such flights will now be permitted to take place without danger or obstacles;

16. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action[11] adopted by the Fourth World Conference on Women;

17. Welcomes the most recent visit by the Special Rapporteur and his interim report on the situation of human rights in the Sudan;[5]

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[11] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. 96.IV.13), resolution 1, annexes I and II.

18. Extends its full support to the Special Rapporteur, and encourages him to continue to pursue a broad dialogue with the Government of the Sudan and all other parties which he deems relevant to the situation of human rights in the Sudan with a view to addressing the concerns expressed in the relevant resolutions of the General Assembly and the Commission on Human Rights, and to visit the Sudan and travel in the Sudan, as necessary;

19. Also encourages visits to the Sudan by the Special Rapporteur on Freedom of Opinion and Expression and the Working Group on Contemporary Forms of Slavery, who have both been invited by the Government of the Sudan, and requests both to report to the Commission and to the General Assembly on their findings;

20. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

21. Requests the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, within existing resources, in the discharge of his mandate;

22. Recommends the continued monitoring of the serious human rights situation in the Sudan, urges continuation of the regional efforts to end the hostilities and human suffering in the South, and invites the Commission on Human Rights, at its fifty-fourth session, to give urgent attention to the situation of human rights in the Sudan;

23. Decides to continue its consideration of this question at its fifty-third session.